



PUBLIC NOTICE OF THE INTENT TO WITHDRAW THE NITRATE TMDL IN THE CEDAR RIVER WATERSHED

In 2006, the DNR finalized and the U.S. EPA approved a Total Maximum Daily Load (TMDL in general) for nitrate in the Cedar River (Cedar River TMDL, or the TMDL in context). The TMDL imposed total nitrogen limits on point sources in the Cedar River watershed north of Cedar Rapids, Iowa. The DNR created the Cedar River TMDL due to the nitrate impairment in the segment of the Cedar River which Cedar Rapids uses as a source for municipal drinking water (the Segment). Unlike the TMDL, the Safe Drinking Water Act regulates, and Cedar Rapids monitors, nitrate levels as nitrate as nitrogen. Over the last 16 years, the DNR implemented the TMDL through total nitrogen limits in National Pollution Discharge Elimination System permits and through non-point source reductions guided by the Iowa Nutrient Reduction Strategy and funded through the Iowa State Revolving Fund and the Section 319 grant program. Currently, since April 2022, the Segment is no longer impaired for nitrate.

During a review of the TMDL, the DNR noted deficiencies in its design and implementation. Notably, the TMDL regulates total nitrogen rather than nitrate as nitrogen, but does not adequately justify this decision. Additionally, the implementation of total nitrogen limits in NPDES permit limits does not align with the TMDL. The DNR has concluded that for the TMDL to remain in place, substantial revisions would be necessary to address the design and implementation deficiencies. DNR has determined that these revisions would constitute a complete rewrite of the TMDL, which the DNR cannot commit to completing within the near future.

To ensure the equitable and accurate implementation of Iowa and federal law, the DNR therefore proposes to withdraw the Cedar River TMDL in its entirety. Because the Segment is no longer impaired for nitrate, the Segment will not be placed back on the Iowa impaired waters list. In the ongoing efforts to keep the Segment and all Iowa waters unimpaired for nutrients, the DNR will continue to implement the Iowa Nutrient Reduction Strategy and to provide funding to nonpoint source control projects in the Cedar River watershed. Information on specific projects in the Cedar River watershed can be obtained by contacting **CONTACT INFORMATION – Records**. The DNR will continue to assess the nitrate levels in the Segment and will take appropriate action if the Segment becomes impaired again for nitrate.

Nothing in this proposal or in any decision on the matter should be interpreted to mean that TMDLs for unimpaired waters must be withdrawn in every case. In some cases, protective TMDLs, or TMDLs that remain in place on waterbodies that are no longer impaired, can guard against acute conditions driving changes that negatively impact the goal of long-term non-impairment. But, in this case, the decision to withdraw the Cedar River TMDL was made after considering the specific facts of this TMDL and the water quality of the Cedar River. Specifically, the DNR has determined the Cedar River TMDL has limited use as a protective TMDL in its current form and implementation.

The DNR has established a public comment period for this intent to withdraw the Cedar River TMDL. The DNR will accept written comments until **DATE AND TIME – 20 DAYS**. Please send any comments to **CONTACT INFORMATION**. The DNR will consider all comments received prior to making a final decision on the withdrawal of the Cedar River TMDL.